

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. \_\_\_\_\_  
OFFERED BY M\_\_\_\_.**

At the end of the substitute, add the following:

**1 SEC. \_\_\_\_ . PROHIBITION ON ASSISTANCE TO GOVERNMENT  
2 THAT FAILS TO COOPERATE ON PREVENTING  
3 ILLEGAL TRAFFICKING OF SYNTHETIC  
4 OPIOIDS.**

5 Section 2 of the Export-Import Bank Act of 1945  
6 (12 U.S.C. 635), as amended by the preceding provisions  
7 of this Act, is amended by adding at the end the following:

8 “(o) PROHIBITION ON ASSISTANCE TO GOVERNMENT  
9 THAT FAILS TO COOPERATE ON PREVENTING ILLEGAL  
10 TRAFFICKING OF SYNTHETIC OPIOIDS.—

11 “(1) IN GENERAL.—The Agency may not au-  
12 thorize the provision of financial assistance for a  
13 lender, obligor, or end user that is a covered govern-  
14 ment.

15 “(2) WAIVER AUTHORITIES.—

16 “(A) PRESIDENT OF THE AGENCY.—The  
17 President of the Agency may waive paragraph  
18 (1) on reporting to the Committee on Financial  
19 Services of the House of Representatives and

1 the Committee on Banking, Housing, and  
2 Urban Affairs of the Senate that the financial  
3 assistance—

4 “(i) would enable exports directly by  
5 United States small business concerns; or

6 “(ii) is required for the export of hu-  
7 manitarian goods or services.

8 “(B) PRESIDENT OF THE UNITED  
9 STATES.—The President of the United States  
10 may waive paragraph (1) for not more than 1  
11 year at a time on reporting to the committees  
12 specified in subparagraph (A) that the waiver is  
13 essential to the national interest of the United  
14 States, with a detailed explanation of the rea-  
15 sons therefor.

16 “(3) CLOSE COOPERATION.—For purposes of  
17 this subsection, the government of Mexico shall be  
18 considered to be closely cooperating with the United  
19 States to prevent opioid trafficking if the govern-  
20 ment is doing 2 or more of the following:

21 “(A) Implementing substantial improve-  
22 ments in regulations involving the chemical and  
23 pharmaceutical production and export of illicit  
24 opioids.

1           “(B) Implementing substantial improve  
2           ments in judicial regulations to combat  
3           transnational criminal organizations that traffic  
4           opioids.

5           “(C) Increasing efforts to prosecute for-  
6           eign opioid traffickers.

7           “(D) Increasing intelligence sharing and  
8           law enforcement cooperation with the United  
9           States with respect to opioid trafficking.

10          “(4) DEFINITIONS.—In this subsection:

11           “(A) COVERED GOVERNMENT.—The term  
12           ‘covered government’ means—

13                   “(i) the state and the government of  
14                   a country that, in the determination of the  
15                   President of the United States, fails to  
16                   closely cooperate with the United States to  
17                   prevent opioid trafficking, as well as any  
18                   political subdivision, agency, or instrumen-  
19                   tality thereof;

20                   “(ii) any entity owned or controlled,  
21                   directly or indirectly, by any of the fore-  
22                   going, including any corporation, partner-  
23                   ship, association, or other entity in which  
24                   any of the foregoing owns a 50 percent or  
25                   greater interest or a controlling interest,

1 and any entity which is otherwise con-  
2 trolled by any of the foregoing;

3 “(iii) any person that is or has been  
4 acting or purporting to act, directly or in-  
5 directly, for or on behalf of any of the fore-  
6 going; and

7 “(iv) any other person which the Sec-  
8 retary of the Treasury determines is in-  
9 cluded in any of the foregoing.

10 “(B) OPIOID TRAFFICKING.—The term  
11 ‘opioid trafficking’ means any illicit activity—

12 “(i) to produce, manufacture, dis-  
13 tribute, sell, or knowingly finance or trans-  
14 port—

15 “(I) synthetic opioids, including  
16 controlled substances that are syn-  
17 thetic opioids and listed chemicals  
18 that are synthetic opioids; or

19 “(II) active pharmaceutical ingre-  
20 dients or chemicals that are used in  
21 the production of controlled sub-  
22 stances that are synthetic opioids;

23 “(ii) to attempt to carry out an activ-  
24 ity described in paragraph (1); or

1                   “(iii) to assist, abet, conspire, or  
2                   collude with other persons to carry out  
3                   such an activity.”.

